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E-FILED - 10/15/09

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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN JOSE DIVISION

11 DAVID ALMEIDA, individually and on
12 behalf of all others similarly situated,

13 Plaintiff,

14 v.

15 GOOGLE, INC., a Delaware corporation; and
16 DOES 1 through 10, inclusive,

17 Defendants.

Case No. C 08-02088 RMW

**STIPULATION AND []
ORDER TO CONTINUE CASE
MANAGEMENT CONFERENCE**

Judge: Hon. Ronald M. Whyte

Date Comp. Filed: April 22, 2008

Trial Date: None set.

STIPULATION

WHEREAS, a Case Management Conference in this case is currently set for October 23, 2009;

WHEREAS, plaintiff's Motion to Amend the Complaint to substitute a new class representative, and also to schedule a new Case Management Conference [Doc. #27], is set for hearing a week later, on October 30, 2009;

WHEREAS, Google opposes plaintiff's Motion;

WHEREAS, the parties agree that it would be most efficient for both the Court and the parties for the Court to decide plaintiff's Motion before considering case management issues, as a Case Management Conference will be unnecessary if the Court denies plaintiff's Motion;

NOW THEREFORE, IT IS HEREBY STIPULATED that:

1. The Case Management Conference currently set for October 23, 2009 should be taken off calendar;

2. If the Court grants plaintiff's Motion to Amend, it may then set a new Case Management Conference; and

3. If the Court denies plaintiff's Motion to Amend, no further Case Management Conference will be necessary.

Dated: October 14, 2009

KEKER & VAN NEST, LLP

By: /s/ David J. Silbert
David J. Silbert
Attorneys for Defendant
GOOGLE INC., a Delaware corporation

Dated: October 14, 2009

KABATECK BROWN KELLNER LLP

By: /s/ Michael v. Storti
Michael V. Storti
Attorneys for Plaintiff DAVID ALMEIDA

¶ ORDER

IT IS SO ORDERED.

The Case Management Conference currently set for October 23, 2009 is hereby VACATED.

Dated: 10/15/09

By: Ronald M. Whyte
Honorable Ronald M. Whyte
United States District Judge